

INTERVIEWEE INFORMATION PACKET

EPDP ON REGISTRATION DATA PHASE I

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INTRODUCTION

Thank you for participating in this set of interviews, conducted with the aim of making adjustments to the Policy Development Process to improve the likelihood that the ICANN Board will approve / adopt the policy recommendations it considers.

This interview will cover the Registration Data EPDP Phase 1, in which you participated. You may refer to this brief packet of information to help you prepare for the interview. It consists of three sections:

- An EPDP “Refresher” that describes the focus and major dates of the effort, with links to significant documents
- A listing or description of the recommendations that were ultimately not adopted by the Board.
- The list of questions we plan to ask during the interview, which might aid in your reflection on your time in the (E)PDP. We will likely stray from this list as your responses to these questions are likely to raise topics that deserve additional scrutiny. Our aim is to conduct the session as a conversation. We encourage you to raise topics not covered by these questions where you think that might be meaningful.

If you have any questions or wish to review the subject materials in greater depth, please write to gnso-board-readiness-smallteam@icann.org.

It is planned that the interviews are to be recorded for note-taking purposes only. Those recordings will be destroyed shortly after the interviewing team checks the meeting notes against the recording. If you prefer that the session not be recorded, please let us know in advance if you can, or at least at the start of the interview.

You will be able to review and make corrections to the interview notes prior to their incorporation into the study. It is planned that the interview findings will be anonymised when published in the study. The names of the interviewees will be published unless you wish your participation to be anonymous.

EPDP REFRESHER

What was this EPDP about?

During Phase 1 of its work, the EPDP Team was tasked with determining if the [Temporary Specification](#) for gTLD Registration Data should become an ICANN Consensus Policy as is, or with modifications.

What triggered this EPDP?

In May 2018, the Board approved the [Temporary Specification for gTLD Registration Data](#) (Temp Spec) pursuant to the procedures for the establishment of temporary policies in ICANN's contracts with Registries and Registrars. The Temp Spec provides modifications to existing RA and RAA requirements in the Registrar Accreditation and Registry Agreements to allow contracted parties to comply with existing ICANN contractual requirements while also complying with the European Union's General Data Protection Regulation (GDPR). The Board's adoption of the Temporary Specification triggered the requirement for the GNSO to complete a consensus PDP **within a one-year period**, as the Temporary Specification can only remain in force for up to one year from the effective date.

Key Dates

25 May 2018	Board adoption of Temp Spec
8 August 2018	First meeting of EPDP Team
21 February 2019	EPDP Team completes Phase 1 Final Report
4 March 2019	GNSO Council approves Phase 1 Final Report
15 May 2019	Board adopts 27 of the 29 recommendations
29 May 2019	ICANN org holds first meeting with IRT
24 February 2022	Board adopts the GNSO Council's Supplemental Recommendation for EPDP Recommendation 12, concerning the deletion of data in the Organization field.
21 February 2024	ICANN org announces new Registration Data Policy
21 August 2025	Registration Data Policy goes into effect.

Relevant Links

- **Charter**
<https://gnso.icann.org/sites/default/files/file/field-file-attach/temp-spec-gtld-rd-epdp-19jul18-en.pdf>
- **Final Report**
<https://gnso.icann.org/sites/default/files/file/field-file-attach/epdp-gtld-registration-data-specs-final-20feb19-en.pdf>
- **Board resolution approving 27 of 29 Phase 1 recs**
<https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-special-meeting-of-the-icann-board-15-05-2019-en#1.b.rationale>
- **Board resolution approving Supplemental Rec 12**
<https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-special-meeting-of-the-icann-board-24-02-2022-en#2.b>
- **Board resolution approving updated Purpose 2**
<https://www.icann.org/en/board-activities-and-meetings/materials/approved-resolutions-special-meeting-of-the-icann-board-21-06-2021-en#1.a>
- **Board Scorecard**
<https://www.icann.org/en/system/files/files/epdp-scorecard-15may19-en.pdf>

RECOMMENDATIONS REJECTED OR PENDED BY THE BOARD

Recommendation 1, Purpose 2: The EPDP Team recommends that the following ICANN Purposes for processing gTLD Registration Data form the basis of the new ICANN policy:

(2) Contributing to the maintenance of the security, stability, and resiliency of the Domain Name System in accordance with ICANN's mission through enabling responses to lawful data disclosure requests.

Board Rationale for Non-Adoption

The Board does not adopt this Recommendation at this time in light of the EPDP Team's characterization of this as a placeholder and the need to consider recent input from the European Commission. Based on the views presented in the recent letters from the European Commission, Purpose 2, as stated in the EPDP Team's Final Report, may require further refinement to ensure that it is consistent with and facilitates ICANN's ability to deliver a predictable and consistent user experience compliant with applicable law. The Board's concern is that if the wording of purpose 2 is deemed inconsistent with applicable law, the impact might be elimination of an ICANN purpose. There are clear ICANN purposes that ICANN should be able to employ under existing legal frameworks to deploy a unified method to enable those with a legitimate and proportionate interest to access non-public gTLD registration data, although such purposes may need to be restated or further refined based on additional legal, regulatory or other input. The Board directs ICANN org to continue to evaluate this proposed purpose and to request additional guidance from the DPAs, regarding the legitimate and proportionate access to registrant data and ICANN's SSR mission.

Recommendation 12: The EPDP Team recommends that:

- The Organization field will be published if that publication is acknowledged or confirmed by the registrant via a process that can be determined by each registrar. If the registered name holder does not confirm the publication, the Organization field can be redacted or the field contents deleted at the option of the registrar.
- The implementation will have a phase-in period to allow registrars the time to deal with existing registrations and develop procedures.
- In the meantime, registrars will be permitted to redact the Organization Field.
- A registry Operator, where they believe it feasible to do so, may publish or redact the Org Field in the RDDS output.

Defines requirements for collection and display of the information in the Organization field.

Board Rationale for Non-Adoption

The Board adopts this Recommendation with respect to redaction of data in the Organization field and does not adopt at this time the portion of this Recommendation with respect to deletion of such data and/or reassignment of the Registered Name Holder. The Board requests that as part of Phase 2, the EPDP consider the extent to which deletion (as opposed to redaction) that results in loss of or changes to the name of the registrant is in the public interest and consistent with ICANN's mission.

INTERVIEW QUESTIONS: REGISTRATION DATA EPDP PHASE 1

Questions to PDP WG Chair / members

- Were you, as a PDP working group member, surprised (or unsurprised) by the Board's rejection of certain, specific policy recommendations? Why, e.g., was there information regarding expected Board reaction or a sense that the recommendation was not implementable?
- Did the PDP working group consider Board reaction to potential recommendations during its deliberations? (This could be an expected reaction or explicit reaction (such as in public commentary or Board liaison feedback.) In what ways was this consideration done; was there a specific discussion set aside for this?
- In the opinion of PDP working group members, did the PDP working group believe they had sufficient expertise, resources, and information to develop a "Board-ready" set of recommendations, i.e., ones that would avoid rejection?
- What were your expectations of the Board liaison, especially in providing a "sense of the Board"? In what ways were they fulfilled / not fulfilled?
- Was there any sense of Board inclination regarding acceptance / rejection? If yes, would it have been possible to gain consensus agreeing with that inclination? Are there times when that is appropriate? Should anything about the PDP process that should be changed to facilitate reaching consensus?
- To what extent was recommendation "implementability" a concern or requirement? How was it measured during the recommendation formulation?
- To what extent was recommendation implementation and operation cost a concern or requirement? How was it measured during the recommendation formulation?
- Did external requirements affect the quality or "readiness" of the outcomes (these might be the team composition, e.g., the "representative model" or time constraints)?
- Was the final outcome of the rejection (i.e., the EPDP Phase 2 recommendations) an appropriate and necessary solution to the conflict?